IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S. SIRI JAGAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 14375 of 2006(J)

PETITIONER:

L. PADMAJA, AGED 40 YEARS,
W/O. MURALEEDHARAN PILLAI,
DHANYA VIHAR, CHERRIYSSERIL BHAGAM,
CHAVARA P.O., KOLLAM.

BY ADV. SRI. N. MAHESH

RESPONDENTS:
----

1. **THE FOREST RANGE OFFICER,**
   FOREST RANGE OFFICE,
   ERUMELI, KOTTAYAM DISTRICT.

2. **THE CHIEF CONSERVATOR OF FORESTS (WILD LIFE), FOREST HEADQUARTERS,**
   VAZHUTHACAUD, TRIVANDRUM.

   BY SPL. GOVT. PLEADER (FORESTS) SRI. RENJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14375 of 2006(J)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE SALE DEED DATED 17.11.2002.**
EXT. P2	**:**	**COPY OF THE POSTMORTEM CERTIFICATE GIVEN BY DR. BABU C ISSAC DATE NIL.**
EXT. P3	**:**	**COPY OF THE REPORT DATED 01.11.2004 BY DR. P. JAYA, ASSISTANT CHEMICAL EXAMINER.**
EXT. P4	**:**	**COPY OF THE REPRESENTATION DATED 03.03.2006 TO THE 1ST RESPONDENT.**

// True Copy //

P.A. to Judge.

Acd

S. SIRI JAGAN, J.

W.P.(C)NO. 14375 OF 2006

DATED THIS THE 2nd DAY OF AUGUST, 2007

JUDGMENT

The petitioner alleges that one elephant by name 'Ayyappan' @ Bahadur owned by the petitioner died on 5.9.2004, which death was intimated to the respondents, pursuant to which a postmortem was also conducted. However, the respondents took the tusks of the elephant into their custody on 6.9.04. According to the petitioner, the petitioner is entitled to the same and in spite of request made in that regard, the same is not released to the petitioner. The petitioner, therefore, filed Ext.P4 representation before the 1st respondent and the petitioner seeks a direction to the 1st respondent to consider the same and pass appropriate orders.

2. The learned Government pleader strongly disputes all contentions of the petitioner. According to him, the petitioner was not at all the owner of the elephant. Further he has violated the provisions of the Wild Life Protection Act, which would dis-entitle him for custody of the tusks.

3. I am not inclined to go into these disputed questions. Now that the petitioner has invoked the jurisdiction of the 1st respondent by filing Ext.P4, it would suffice to direct the 1st respondent to consider

and pass appropriate orders on Ext.P4 expeditiously, at any rate, within two months from the date of receipt of a copy of this judgment. The 1st respondent would be free to consider whether he has powers to release the tusks while considering Ext.P4.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd